



SECOND INTERNATIONAL HAZARDOUS WASTE INSPECTION PROJECT AT SEAPORTS: RESULTS AND RECOMMENDATIONS

INECE Seaport Environmental Security Network

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The International Network for Environmental Compliance and Enforcement (INECE) is an informal network of participants from governments, civil society, and academia, working at all levels – local, national, regional, and global – to improve environmental compliance and enforcement. INECE is the only global organization focused exclusively on the role of enforcement and compliance in environmental protection. For more information, see <http://www.inece.org/>.

The INECE Seaport Environmental Security Network (SESN) is an operational network of professionals involved in the inspection and monitoring of transboundary movements of hazardous waste through seaports. SESN participants work together to build capacity, raise awareness, and facilitate enforcement collaboration on ways to detect and control illegal and dangerous transboundary shipments of environmentally-regulated goods through seaports. For more information, see <http://www.inece.org/seaport/>.

EXECUTIVE SUMMARY

The INECE Seaport Environmental Security Network (SESN) developed and facilitated the Second International Hazardous Waste Inspection Project at Seaports from December 2011 through March 2012. The project was a global initiative to promote international good practice for environmental inspections at seaports. The project resulted in an improved understanding of needs and constraints of responsible officials as well as a stronger picture of type of waste, modus operandi, and routes that are being used to traffic illegal shipments of hazardous waste. Most participating countries also reported that the project enhanced cooperation between environmental and customs officials. National level cooperation was reported in 95% of inspections. The project observed the use of intelligence-led enforcement in six reporting countries and the SESN will continue to promote the use of intelligence as an effective method of targeting containers for inspections. Countries reported 116 illegalities or infractions in 1,016 containers (11%). An additional 47 inspections were reported as being under investigation. Illegal waste types observed included plastic waste, paper/cardboard waste, and metal scrap, as well as electronic waste. The recommendations emerging from the project underscore the need for continued capacity development on the basic principles of inspection methodologies and the need for incorporating capacity building into existing institutional structures to ensure sustainability. Guidance also is needed on good practices for national and international collaboration,

1 INTRODUCTION

Effective collaboration across and within national borders is essential to detecting, preventing and reacting to illegal shipments of hazardous waste and other environmentally-sensitive goods. Although much progress has been made to sensitize authorities to the problems associated with the illegal trade in hazardous waste, in many countries there remains a gap in national capacity to effectively target and inspect suspect shipments and implement enforcement follow-through.

To respond to this need, the Seaport Environmental Security Network (SESN) of the International Network for Environmental Compliance and Enforcement (INECE) launched its Second International Hazardous Waste Inspection Project at Seaports from December 2011 – March 2012. The primary goal of the Inspection Project was to build enhanced capacity at seaports for more effective inspections of waste shipments through improved multidisciplinary cooperation among officials from environment and customs ministries, police, and port authorities.

Specifically, the objectives of the project were to:

- Promote international good practice for environmental inspections at seaports.
- Facilitate enforcement collaboration among responsible officials within countries (e.g., between environmental and customs officers).
- Facilitate enforcement collaboration between exporting country enforcement officers and importing country enforcement officers.
- Better understand illegal waste flows, modus operandi, and common practices.
- Identify the obstacles to effective enforcement and the capacity building needs of enforcement officers.

2 PROJECT BACKGROUND

Since its establishment in 2008, the SESN has worked closely with partners in national governments as well as regional and international organizations enforcement initiatives, including the Secretariat of the Basel Convention, IMPEL-TFS,¹ the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes, UNEP,² UNODC,³ and WCO⁴ to identify how the network could be most effective in implementing its goals of building capacity, raising awareness, and facilitating enforcement collaboration on ways to detect and control illegal and dangerous transboundary shipments of environmentally-regulated goods through seaports.

As a result of these consultations, SESN created a work program designed to provide hands-on opportunities for enforcement officers to gain practical knowledge and skills in detecting and preventing illegal cross-border movements of waste. These activities included a series of training workshops for frontline enforcement officers in Asia and West Africa, the organization of two global enforcement operations focused on hazardous waste shipments through seaports and the development of tools for customs and environment officers working at the frontlines.

The first INECE SESN International Hazardous Waste Inspection Project at Seaports⁵ took place during the months of June and July 2010 and was a global operational enforcement effort tackling the illegal movements of hazardous waste. During the simultaneous inspections period, environmental, customs, and other enforcement authorities from Africa, the Americas, Asia, and Europe undertook coordinated environmental inspections at seaports.

The first project provided a means for competent authorities to better evaluate their own capacity for detecting and deterring illegal transboundary movements of hazardous wastes through seaports with the support of tools developed by INECE and international experts. The project was beneficial to participants in identifying gaps in inspection and enforcement programs. The outcomes provide insight into the type of waste, modus operandi, and routes that are being used and confirm that cooperation among authorities at the international, regional, and domestic levels is essential to an effective enforcement strategy.

A key recommendation from the first inspection project was for the SESN to continue to facilitate future inspection projects and the second project was organized in response to this recommendation. The SESN's experience with the first project informed its implementation of the second. Specific recommendations that were adopted and put into practice in the second project included allowing more time for national preparations, providing more capacity building in advance of the detection period, and allowing a longer period for inspections. The SESN refined its communications tools and

¹ European Union Network for Implementation and Enforcement of Environmental Law Transfrontier Shipments of Waste

² United Nations Environment Programme

³ The United Nations Office on Drugs and Crime

⁴ World Customs Organization

⁵ See INECE Secretariat, International Hazardous Waste Inspection Project at Seaports: Results and Recommendations, December 21, 2010, online at http://inece.org//seaport/exercise/INECE_SeaportInspectionProjectOutcomes_22dec.pdf and Heiss, R., Ruessink, Dr. H., Isarin, N., Koparova, M., Grabiell, D., International Hazardous Waste Inspection Project at Seaports: Results and Recommendations, in the Proceedings of INECE's 9th International Conference on Environmental Compliance and Enforcement (2011), online at http://inece.org/conference/9/proceedings/25_HeissEtAl.pdf.

significantly adjusted the reporting forms to emphasize collaboration and to simplify the reporting requirements.

3 INSPECTION PROJECT PLANNING AND IMPLEMENTATION

In support of the Second Inspection Project and other SESN capacity building priorities, INECE organized two workshops in the Asian region to build capacity and foster networking opportunities. The first workshop was Siem Reap, Cambodia, on 29 November 2010, which focused on sharing enforcement strategies and developing cooperation tools to detect and prevent the illegal trade in hazardous waste. The Cambodia workshop was held in partnership with the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes.

The second workshop was held in Bangkok, Thailand, on 19-20 January 2012.⁶ The Bangkok workshop was organized by INECE with the co-sponsorship of the United Nations Environment Programme Regional Office for Asia and the Pacific (UNEP ROAP). Environment and customs officials from 14 countries in the Asian region participated in the two workshops combined.⁷

The purposes of the Bangkok workshop were to train project participants in conducting hazardous and electronic waste inspections, build enforcement capacity in the region, provide instruction and demonstrations at a port in order to enhance knowledge of participants, and generally to raise awareness about the illegal trade in hazardous waste among enforcement officials in the region. Each participating country was invited to send pairings of customs and environmental officials in order to encourage interagency cooperation as a cornerstone for achieving success. The Bangkok workshop provided an opportunity for INECE to present additional information about the inspection project and the tools and resources that were developed to support it. The workshop included a visit to Laem Chabang port for on-site training.

In addition to the two workshops, the SESN developed a series of tools and publications to guide the implementation of the project. These included the project-specific Operational Guidance Document, two reporting forms to facilitate data collection during the project, a web-based collaboration tool, a contact list of officials in participating countries, a Guidance Document on International Communication Tools, and an Operational Guidance for the Takeback of Detected Illegal Shipments of Waste. See Annex 1 for detailed information on the capacity building and communications tools.

Countries were encouraged to convene pre-inspection period meetings of officials from authorities that would be involved in the project, including customs, environment, and police. The SESN provided an overview of the project that was used during national-level preparations. The SESN also posted case examples of illegal hazardous waste trade from Asia, Africa, Europe and North America through the web-based collaboration tool during the project.

⁶ The workshop was originally scheduled to be held *prior* to the launch of the Second Inspection Project. However, severe flooding in Bangkok forced the workshop to be held in January 2012.

⁷ Australia, Brunei, Cambodia, China, India, Indonesia, Japan, Lao (PDR), Malaysia, Pakistan, Philippines, Singapore, Thailand, Vietnam.

Participating countries were invited to submit reporting forms for any inspections conducted during the inspection period, which ran from December 2011 through March 2012. Countries received regular communications from the INECE Secretariat, which provided reminders about the reporting guidelines along with short case examples from participating countries.

4 KEY OBSERVATIONS AND FINDINGS

4.1 Participation and Inspections

Authorities from ten countries and one special administrative region (SAR) participated in the Second Inspection Project at Seaports: Australia, Belgium, Canada, England, Hong Kong, Northern Ireland, Mexico, The Netherlands, Scotland, Singapore, and the United States of America.

During the Project, inspections on 1,016 containers were reported to the SESN: 9 in Australia, 320 in Belgium, 25 in Canada, 22 in England, 366 in Hong Kong, 185 in N. Ireland, 3 in Mexico, 52 in the Netherlands, 3 in Scotland, 11 in Singapore, and 20 in the USA.⁸ Inspections occurred at 17 ports (see Table 1).

Table 1: Overview of Participation

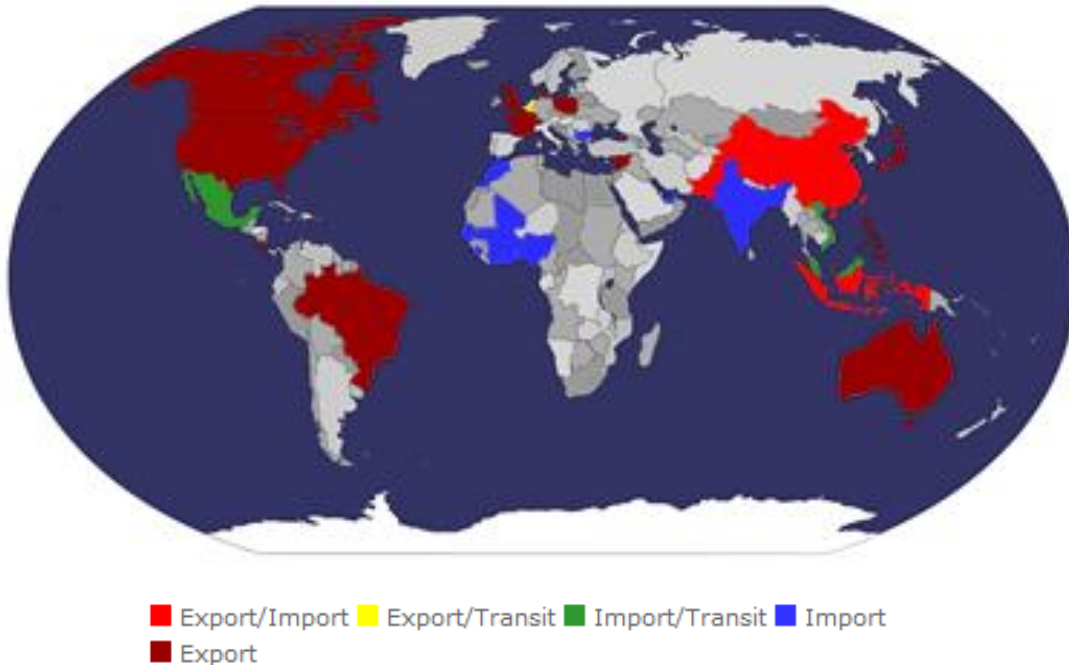
Country or Territory	Number of inspections	Ports
Australia	9	Sydney, Brisbane, Fremantle, and Melbourne
Belgium	320	Zeebrugge and Antwerp
Canada	25	Nova Scotia
England	22	Pentalver Felixstowe
Hong Kong	366	Hong Kong
Northern Ireland	185	Belfast Port
Mexico	3	Lázaro Cárdenas and Puerto Industrial de Altamira
The Netherlands	52	Rotterdam
Scotland	3	Grangemouth and Greenock
Singapore	11	Singapore
USA	20	Long Beach, California

⁸ These figures do not necessarily equal the total number of inspections between December 2011 and March 2012 for any country. The figures only indicate inspections that were *reported* to the INECE SESN as part of this project.

4.2 Routes Reported

This section lists the routes reported on all reporting forms submitted by participants. This section indicates *all* countries reported, and does not indicate the legality or illegality of the shipment in question.

FIGURE 1: MAP OF IMPORT, TRANSIT, AND EXPORT COUNTRIES AND LOCATIONS REPORTED DURING THE PROJECT



Reported exporting countries and locations: Australia, Belgium, Brazil, Canada, Switzerland, China, Costa Rica, Denmark, France, Hong Kong, Indonesia, Japan, Netherlands, Pakistan, Philippines, Poland, Taiwan, UK, and USA.

Reported transit countries and locations were: Belgium, Hong Kong, Mexico, Malaysia, Netherlands, and Vietnam.

Reported importing countries and locations were: Bangladesh, Benin, Burkina Faso, Bulgaria, Cote d'Ivoire, China, Ghana, Gambia, Guinea-Bissau, Hong Kong, Indonesia, India, Lebanon, Morocco, Mexico, Mali, Macau, Malaysia, Nigeria, Pakistan, Singapore, Sierra Leone, Senegal, Syria, Togo, Taiwan, Vietnam, and the United Arab Emirates. Of those, the most commonly reported importing countries were: China, Hong Kong, India, Indonesia, Nigeria, and Pakistan.

4.3 Number and Types of Infractions and Modus Operandi

Although the detection of violations was coincidental to the primary purposes of the project, this section summarizes the number and types of infractions reported during the Inspection Project.

Countries reported 116 illegalities or infractions in 1,016 containers (11%).⁹ An additional 47 inspections were reported as being under investigation.

The reporting forms described the types of infractions and/or the reasons for the illegality. Common types of infractions reported included:

- Lack of approval from competent authority.
- Electronic items found to be not working.
- Questionable whether goods going for re-use.
- Incorrect commodity description, for example, CRT monitors listed as “computer equipment” (in many cases where this happened, the country did not consider it an illegality/infraction).
- The Annex VII document¹⁰ was not included.
- The Annex VII did not mention the final destination and instead an address of an intermediate (trader/agent) was put on the Annex VII or a doubled Annex VII was used.
- Trans-shipment without proper prior informed consent.
- Shipment of waste was deemed unsuitable for export due to contamination under the so-called “green list controls” that apply to non-hazardous waste, set out in the European Waste Shipment Regulation 1013/2006.

General trends in the data point to regional differences in import. Shipments to Asian countries most frequently contained plastic waste, paper/cardboard waste, or metal scrap, whereas shipments to Africa, and particularly to West Africa, frequently contained electronic waste. In a number of shipments to West Africa, the transport was declared to contain a “secondhand vehicle” when, in fact, the container held a secondhand vehicle that was loaded with electronic waste. In these cases, the electronic waste was not declared. In other shipments containing electronic waste that were being shipped to West Africa, the waste was incorrectly described as “second hand goods,” “personal goods,” and “household goods.”

Analysis of trends in the reporting data point to the following modus operandi:

- Listing goods as for reuse when questionable whether reuseable or actually broken or unusable.

⁹ It is important to note that this percentage does not reflect the likely percentage of illegal shipments of hazardous and electronic waste being shipped globally. This Project was a capacity building project that also collected information about the types of illegal waste seen during a given time frame.

¹⁰ An “Annex VII” document is used for shipments of non-hazardous waste, listed in Annex III of the European Waste Shipment Regulation (EC) 1013/2006, within, from, or to the European Union to provide information on the quantity, carrier, generator, recovery plan, and other information for particular types of wastes. The Annex VII document implies the existence of a contract between the person who arranges the shipment and the consignee so that if waste is shipped illegally, there is responsibility to take the waste back or ensure its recovery or provide storage if necessary.

- Listing address of intermediary rather than final destination.
- Purposeful misdeclaration or use of false harmonized system (HS) codes.
- Describing CRTs and/or waste batteries under common codes such as “plastic scrap.”
- Illegal (electronic) waste was hidden behind a false wall in a container.

4.4 Take-back

Situations in which waste was returned to the country of origin were reported by four countries. In Hong Kong, the four detected hazardous waste shipments were promptly returned to the countries of export and the relevant overseas’ authorities were duly notified regarding the return shipments. In Belgium, in twenty cases, waste was returned to the country of origin (and in most other cases, the waste was recycled or appropriately managed in Belgium). In Mexico, one shipment of waste was returned to the original country of export. In the Netherlands, one shipment of mislabeled waste was returned to the country of origin.

Northern Ireland reported eight occasions in which waste was returned to the site of the producer within Northern Ireland. The Netherlands also reported one case in which the waste was returned to the producer within the Netherlands.

4.5 National and International Enforcement Cooperation

The reporting forms for the inspection project asked participants to consider and report on whether there was any cooperation at the national, international, or institutional levels as part of the inspection of the shipment. Countries reported that cooperation took place at the national level during 95% of inspections (see Table 2).

Table 2: National Level Cooperation¹¹

AUTHORITIES INVOLVED IN COOPERATION	NUMBER OF INSPECTIONS WHERE COOPERATION OCCURRED
No National-Level Cooperation	22
Cooperation With Customs	582
Cooperation With Port Authority	3
Cooperation With Police	1
Cooperation With Regional Authorities	162

¹¹ Some inspections may have been informed by more than one type of cooperation; if so, both types of cooperation are indicated in Table 2.

Cooperation With Maritime Police	162
Cooperation With Competent Authority	168

At the national level, some countries reported strong collaboration between responsible authorities which contributes to efficiencies, for example by enabling “staff sharing” or leveraging staff from one agency to support the activities of the other to both agencies’ benefit. Cooperation between the environmental inspectorate and customs, which was the most common type of cooperation, was most often for the purposes of targeting and inspection/detection and to a much lesser extent for enforcement action. On the other hand, cooperation between the environmental inspectorate and the competent authority was more frequently for the purpose of an enforcement action and to a lesser extent for targeting and investigation. This was also the case for cooperation with regional authorities. Cooperation with port authorities, which was only reported once, was for preparing containers for inspection.

Case Example 1: Targeting and Priority Setting in the Netherlands

In the Netherlands, the customs, police, and environment agencies benefit from close collaboration on transboundary hazardous waste inspections. The cooperation is supported by a memorandum of understanding and updated each year through “priority letters” sent by the environment agency to customs and to the police. The customs agency is responsible for profiling, but it receives a written request from the environmental inspectorate on issues which the inspectorate will prioritize during that year. Additionally, there are regular meetings between the inspectorate and customs, and inspectors at the port can access the customs database and select loads to be physically checked.

A modified excerpt of a “priority letter” from 2004 is included below. The priority letter includes an Annex which details the regulatory basis for the priorities and provides additional information on waste streams, methodologies, contact points, training, and other cooperation.

Dear [Director of Customs Authority]:

As in previous years, I wish to inform you about the priorities that the Inspectorate will pursue this year for enforcing environmental laws in cooperation with enforcement partners like the Customs service.

Priorities of Inspectorate for Housing, Spatial Planning and the Environment

I will confine myself in this letter to providing explanatory notes to the subjects for which cooperation already exists between the Inspectorate. These in any event include the subjects for which the Inspectorate and the Customs service agreed arrangements in the cooperation agreement dating from 2004, i.e.:

- Enforcement of hazardous waste regulation
- Import and export of hazardous chemical substances
- Ozone depleting substances

An Annex to this letter contains a complete overview of the present prioritization of laws and

regulations under its compliance strategy. This will give you an opportunity to respond. Your findings in respect of these subjects may present a reason for adjusting the prioritization of the Inspectorate.

Yours sincerely,

[Director of the Environmental Inspectorate]

Belgium reported examples of cooperation among the Federal Environmental Inspectorate, the Customs Authority, and the Federal Maritime Police as well as cooperation with a regional environmental inspectorate on an enforcement action. In its final report, Belgium recognized that “[o]verall cooperation with colleagues of regional environmental inspectorates, with the scan- and selection team of customs and the support of maritime police is part of the solutions.”

Relatively few inspections were informed by international cooperation, likely because the majority of participating countries were exporting rather than importing countries. The most common type of cooperation reported was the exchange of intelligence with peer authorities in other countries. Other types, to a much lesser extent, were targeting, investigation, and cooperation in an international operation. Belgium noted one example of cooperation with another country within the European Union; the Netherlands also reported two cases of cooperation within the European Union. Hong Kong reported an example of cooperation with Canada. The United Kingdom reported cooperation with Interpol to facilitate international exchange of intelligence.

Case Example 2: International Cooperation (Belgium-Canada)

In June 2012, authorities in Antwerp, Belgium, intercepted a transport of 30 tons of used compressor pots which contained CFCs (an ozone depleting substance) before dismantling. The container was exported from Canada, being in transshipment on its way to Pakistan. The competent authority of Canada was informed about this case of fake labeling of CFC-containing compressors. They confirmed that it was an illegal export and, on request of the sender, it was agreed that the illegal items would be destroyed in Belgium in an authorized facility instead of a return shipment to Canada. Arranging the notification for transport to that facility was rather time consuming as the proposed facility did not have the permit to receive nor treat this type of waste. In August, the Belgian competent authority received confirmation that the waste had been treated in an environmental sound manner. The Canadian Competent Authority promised further investigation about the sender by planning an inspection at the place of dispatch, and agreed to keep the Belgian authority informed of the result of that investigation.

4.6 Targeting Methods

Intelligence-led targeting, in which information about the highest risks in terms of actors, shipping routes, and types of waste is analyzed to determine which containers to inspect, was the most commonly used method of targeting. Belgium primarily used a combination of intelligence-led and bilateral (regional-national) targeting, while Australia, Scotland, Singapore, the United Kingdom, and the United States conducted information-led or intelligence-led inspections. Hong Kong used intelligence-led as well as risk assessment profiling to determine which containers should be inspected.

The Netherlands reported that some of its inspections were based on bilateral targeting and some on random selection, in which inspections are undertaken based on the country's national priorities and/or working methods.

4.7 Inspection Methods

Participating countries most commonly reported conducting both document inspections and physical inspections of the containers. Only using physical inspections was far less common, and inspections conducted by only reviewing the documents or by x-raying the container were infrequently reported.

5 RECOMMENDATIONS

This section summarizes the recommendations that emerged based on the analysis of the data collected during the inspection project, as well as through conversations and feedback from inspection month participants. The recommendations extend the findings of INECE SESN's First Inspection Project.¹²

Noting the complementary nature of the findings of the First and Second Inspection Projects, INECE undertook a broader analysis of eleven comparable inspections projects, three of which occurred at the international level and eight of which occurred within the European region. This section discusses the observed similarities in the recommendations and results of these projects, and draws conclusions on a way forward that leverages the findings of the eleven analyzed projects with the findings of INECE's two inspection projects. .

5.1 Recommendations

The Second Project confirmed the observations and conclusions of the First Project, including the need for reliable communication channels at the international level, the need for capacity building, and the importance of international and national collaboration among authorities for effective detection and enforcement. Complementing these previous findings, the SESN presents the following recommendations as concrete strategies that can fill specific gaps observed during the implementation of the First and Second projects.

- 1. *Develop and deliver capacity building on the “basics.”*** Countries participating in the Inspection Project recognized the need to continue to build capacity in areas including inspection methods, intelligence-led enforcement, risk profiling, common tactics used by shippers of illegal wastes, targeting techniques and waste takeback. Capacity building must be relevant to national circumstances and sustainable. Due to limited financial and human resources, capacity building should focus on moving towards a risk assessment approach, appropriate targeting methodologies, and the effective use of intelligence.
- 2. *Incorporate capacity building into national academies.*** One strategy for ensuring sustainability of capacity building programs is to incorporate these topics into existing institutional structures that support ongoing capacity building, including, national customs training academies, as well as into professional development programs for environmental staff.

¹² Heiss, Ruessink, Isarin, Koparova, Grabiell, International Hazardous Waste Inspection Project at Seaports: Results and Recommendations , Proceedings on INECE's 9th International Conference, 2011. Online at http://inece.org/conference/9/proceedings/25_HeissEtAl.pdf.

3. *Develop an analytical framework to support national and international cooperation.*

Countries need better tools to evaluate the impact of national and international cooperation, including best practices for cooperation, examples of effective institutional structures, guidance on what motivates customs and inspectors to work together, the role of senior executives in facilitating cooperation, and metrics for measuring and evaluating the degree of cooperation between relevant agencies.

Continuing to promote national and international cooperation will remain critical to achieving success in inspection and monitoring activities at seaports. A number of participating countries committed to undertake additional joint inspections between the customs authority and the environment agency or specifically recognized that the project had helped advance opportunities for cooperation between the customs and the environmental agency. Other participating countries emphasized the need for regional/national contact lists of relevant authorities in future projects, or otherwise requested that the SESN facilitate improved coordination and communications with relevant peer authorities internationally.

5.2 Synergies with Conclusions of Previous Inspection Events

In evaluating the key findings of the Second Project, it is useful to look at these findings in relation to those of previous inspection events conducted by international organizations also seeking to enhance enforcement at seaports and border crossings. Over the past nine years, there have been numerous inspection events, each focusing on specific aspects of the inspection process. In some cases, the other activities we reviewed reflected certain differences in approach, such as the scope of the agencies involved or the particular practices that were emphasized. Some promoted immediate law enforcement results rather than the identification and correction of gaps in capacity and/or in cooperation between agencies or the promotion of more advanced targeting techniques, as the SESN project was designed to do. They also vary in geographic scope.

In Europe, IMPEL has looked at the verification of waste destinations, end-of-life vehicles, enforcement actions and transboundary shipment of hazardous waste. Two of the eight IMPEL events reviewed relate specifically to operations at seaports. The World Customs Organization, during three separate events, encouraged customs officials to evaluate shipments containing ozone-depleting substances and specific types of hazardous wastes. See Annex 3.

In reviewing the results of these eleven inspection events, common issues relating to capacity, communication and cooperation were identified:

- *Capacity*: Lack of capacity and knowledge.
- *Communication*: Lack of information exchange and coordination on the national and international level.
- *Cooperation/Coordination*: Lack of structural or formal cooperation with customs and the need for increased coordination between agencies involved.

These three groups of issues correspond closely to those identified during the Second INECE Seaport Inspection event. The recommendations listed above reflect ways to meet these challenges. The observed similarity in the challenges identified by these projects underscores the relevance of taking

practical actions to implement these suggestions, in collaboration with national authorities and international organizations.

The need to build on the “basics” will always exist as capacity building at seaports faces continual challenges due to the large number of geographically dispersed inspectors located worldwide, the continual changeover of personnel at seaports and changing regulatory and political landscapes.

Access to instructional materials and the ability to share these materials can be accomplished, in part, through institutionalization of educational materials into national training programs. This allows the port inspectors to access the information, while also allowing the information to be customized and updated as required to meet specific national program needs. Additionally, INECE’s Environmental Compliance Training Resource Library shares INECE’s capacity building materials and provides references to relevant capacity building tools developed by other organizations. The Resource Library therefore can be used as a “clearinghouse” of materials that can be used to support officials with responsibilities for environmental controls at seaports seeking to improve their capacity.¹³

Inter-agency cooperation and coordination may be conducted on a formal or informal basis, but there needs to be structure to the arrangement to allow sustainability. Identification of best practices and the outlining of each agency’s responsibilities, whether in a formal Memorandum of Understanding or an informal document, will help meet the need for increased cooperation and coordination. Development of this framework can also help facilitate communications at the national, regional and international level. In addition, cooperation with the private sectors, including freight forwarders and shipping lines, in appropriate manners, such as through awareness raising, information exchange, and risk assessment, could provide additional avenues for controlling the risks of illegal shipments.¹⁴

¹³ INECE Environmental Compliance Training Resource Library, available online at <http://inece.org/resources/>.

¹⁴ See Ruessink, Henk and Wolters, Gerhard Jr., Combating Illegal Waste Shipments Through International Seaports – A Call for Concerted Public and Private Approaches, online at http://inece.org/conference/9/proceedings/30_RuessinkWolters.pdf.

ANNEX 1: CAPACITY BUILDING TOOLS AND RESOURCES

To support capacity building on hazardous waste shipment inspections generally and the Second Inspection Project specifically, INECE developed tools and provided support for country preparations. This section provides an overview of those tools.

A. Operational Guidance Document

INECE worked closely with an Ad Hoc Working Group to review, and where necessary, revise its Operational Guidance Document to provide support for enforcement authorities participating in the Second INECE SESN International Hazardous Waste Inspection Project at Seaports. The participants of the working group included experts from Australia, Belgium, Cambodia, China, Ghana, Indonesia, Japan, Thailand, The Netherlands, Vietnam and the United States.

The document summarized the objectives of the project, detailed the reporting procedures that would be used, and provided an overview of international good practice on conducting environmental inspections at seaports. It included a presentation of three options for performing inspections at seaports during the Second Inspection Project, including: intelligence-lead approach, at-random based on national priorities and working methods, and direct contact/bilateral cooperation between participating authorities. Participating countries and ports were free to choose from these options,

B. Reporting Forms

The INECE SESN prepared two reporting forms to support the project:

- *Cargo Investigation Form.* The Cargo Investigation Form was used to assess the results of the Second Inspection Project in terms of cooperation among agencies, targeting and inspection methods employed, countries involved, routes, types of waste encountered and types of violations.
- *Inspection Project Summary of Results Form.* The purpose of the Summary of Results Form was to provide space for a more narrative summary of project implementation, including insights into modus operandi and common trade routes, use of and challenges with takeback, and country-level preparation for the project.

C. Web-based Collaboration and Communications Tools

To facilitate communication and the exchange of information between Inspection Project participants, the SESN used a web-based, password-protected collaboration tool to share tools, resources and project news with participants. This workspace was mainly used as a library and communication tool. The library section contained important information for participating countries, such as the Operational Guidance Document, Waste Takeback Guidance, the Communication Tools Guidance, illegal trade case studies from the Asia region, the participants list and associated contact details, and other references and tools. The web-based system also provided a forum for participants to exchange messages, share ideas and information, and ask questions.

D. Guidance Document on International Communication Tools

This guidance document provided an overview of international communication tools that may be used by participants in cross-border inspection and enforcement projects. The purpose was to map both formal communication tools and informal communication methods that may be used by countries that participate in operational inspection and enforcement projects and to summarize the features of the major formal communication tools, including: who may use them, the types of information that can be exchanged, cost, security, available languages, and technology requirements.

E. Operational Guidance for the Takeback of Detected Illegal Shipments of Waste

The Operational Guidance for the Takeback of Detected Illegal Shipments of Waste summarized what steps can be taken in case of an illegal shipment of waste that needs to be taken back to the State of export. It included examples of good practices under the Basel Convention and was prepared in consultation with national and international authorities.

ANNEX 2: CHECKLIST OF ISSUES TO CONSIDER PRIOR TO INITIATING A JOINT INSPECTION EVENT: THE U.S. EXPERIENCE

Planning joint operations is an iterative process that requires considerable coordination, adjustment and compromise. The following checklist shares ideas on issues to consider when initiating cooperation, and specifically when cooperating on a simultaneous inspection project between environment and customs agencies, based on the experiences of the United States Environmental Protection Agency and the U. S. Bureau of Customs and Border Protection.

- Need for substantial lead time:** Four months of lead time was required prior to initiation of any container inspections, due to the administrative process required to complete the arrangements necessary to jointly collaborate on a seaport inspection project. No joint training or technical workshops were provided during this period; if these preparatory activities are required, more lead time would be needed.
- Impact of inspection event on port operations:** It is important to select a port that has the capacity to participate and one that is likely to have illegal shipments come through it. The availability of manpower, resources, deployment on other operations, and/or high volume of traffic through the port are important factors to consider. Participants also may need to limit the length of the joint inspection period to a set number of containers or days.
- Need for specific targeting criteria:** Assembling appropriate targeting parameters requires thinking like an illegal waste trader and anticipating what information an illegal shipper may try to falsify. In the US example, Customs requested certain information including 8-10 digit HTS codes, company names, destination countries (specific seaports), and expected value of cargo.
- Need to have an environmental agent in port:** Unlike some other U.S. agencies, the EPA does not have inspectors stationed in seaports that work alongside the Customs inspectors. Further, many of the EPA regional offices are not located geographically close to major seaports, which might preclude a timely response when notified by Customs of a suspect container that requires a physical inspection. Reduced travel budgets may also restrict the response of an inspector. For this joint operation, EPA engaged an inspector from a satellite office near the port to respond when notification was received from Customs inspectors.
- Ability to exchange data between agencies:** Customs is not able to legally share certain commerce data with other agencies due to the ownership of the data by the U.S. Census Bureau, within the U.S. Department of Commerce. The information Customs can provide might be very basic or limited. However, even limited data can be useful in determining trends and patterns in the illegal waste trade.
- Procedure for handling the disposition of seized materials:** Customs requested EPA to handle the disposition of any seized hazardous wastes that are determined to be in violation of EPA's regulations. EPA does not have the legal authority to do so; however, EPA can attempt to locate the

responsible party to assume responsibility for the shipment. Warehouse storage fees and disposal costs can become the responsibility of Customs if the materials are abandoned or responsible party is not located. This can be costly if the abandoned materials are determined to be hazardous.



Issuance of violations: Both Customs and EPA can issue fines on the same shipment; Customs can issue administrative fines for mislabeled cargo and EPA can issue criminal or civil penalties, as appropriate.



Identification of any physical hazards or risks to inspectors: Any physical hazards related to the handling of hazardous waste need to be identified. Procedures to prevent contact with the materials or health and safety procedures for safe inspection of the materials need to be provided to the Customs officials. If sampling of hazardous waste is required, EPA inspectors trained in this type of sampling and evidence collection can assist.

ANNEX 3: PREVIOUS COMPARABLE INSPECTION PROJECTS

Data sources:

IMPEL:

Seaport Project I: 2003-4: <http://impel.eu/projects/seaport-project-i>

Seaport Project II: 2004-6: <http://impel.eu/projects/seaport-project-ii>

Verification of Waste Destinations I: 2003-4: <http://impel.eu/projects/verification-of-waste-destinations-i>

Verification of Waste Destinations II: 2004-6: <http://impel.eu/projects/verification-of-waste-destinations-ii>

Enforcement Actions I: 2006-8: <http://impel.eu/projects/enforcement-actions-i>

Enforcement Actions II: 2008-11: <http://impel.eu/projects/enforcement-actions-ii>

End of Life Vehicles: 2006-7: <http://impel.eu/wp-content/uploads/2010/04/2006-20-End-of-Life-Vehicles-Project-FINAL-REPORT.pdf>

Transfrontier Shipments of HW: 2010-11: <http://impel.eu/wp-content/uploads/2012/02/IMPEL-Report.pdf>

WCO:

Demeter I: 2009 (Executive Summary):

http://www.wcoomd.org/files/1.%20Public%20files/PDFandDocuments/Enforcement/Ex_sum_Demeter_EN.pdf

Sky Hole Patching I: 2007: http://www.greencustoms.org/reports/workshop/Sky_hole_patching.pdf

Sky Hole Patching II: 2010: http://www.greencustoms.org/docs/Sky_Hole_Patching_BKK.pdf

INECE SESN:

1st SESN Inspection Project: 2010:

http://inece.org//seaport/exercise/INECE_SeaportInspectionProjectOutcomes_22dec.pdf

See also: Kopsick, Deborah A., Requirements for Effective Seaport Environmental Security: Collective Action at the Ports (2011): http://inece.org/conference/9/proceedings/29_Kopsick.pdf